



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

Inquiry into the Racing and Wagering Amendment Bill 2026

April 2026



Inquiry into the Racing and Wagering Amendment Bill 2026



Legislative Assembly of the Northern Territory

Parliament House

State Square

Darwin NT 0800

Web: www.parliament.nt.gov.au

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Chair's Preface

This report details the Committee's findings regarding its consideration of the Racing and Wagering Amendment Bill 2026. Amending the *Racing and Wagering Act 2024*, the Racing and Wagering Regulations 2024, and the *Associations Act 2003*, the Bill seeks to shift racing responsibilities from the Northern Territory Racing and Wagering Commission to the Director of Racing and Wagering, enhance the integrity of the Northern Territory Wagering Commission through strengthened conflict of interest requirements for members, and reform the governance of racing in the Northern Territory.

The Committee received 6 written submissions to its Inquiry. The Committee also received a public briefing on the Bill from the Department of Tourism and Hospitality. The intent of the Bill was broadly supported by stakeholders, although most also recommended further amendments to the *Racing and Wagering Act 2024*. Following careful consideration of the Bill and advice from the Department of Tourism and Hospitality regarding the concerns of stakeholders, the Committee is of the view that the Assembly should pass the Bill with the proposed amendments as set out in the recommendations.

The Committee's recommended amendments to the Bill seek to further progress the purpose of the Bill in reforming the governance arrangements of racing and wagering in the Northern Territory to enhance independence, accountability and public trust. These include empowering the Director to direct racecourse licence holders to undertake consumer protection and harm minimisation measures, as is currently provided in the Act; requiring delegations from the Commission to be made in writing; providing the Commission a consumer protection and harm minimisation function to align with the purpose of the *Racing and Wagering Act 2024*; and enhancing the conflict of interest provisions for members of the Commission by prohibiting Wagering Commission members from wagering on any race held at a race club licensed under the *Racing and Wagering Act 2024*.

Further, the Committee recommended that the timeframe that complainants must lodge complaints with the Director and Commission be extended from 60 days to 2 years after the person became aware of the matter giving rise to the complaint, and that the Director and Commission should have the discretion to accept late complaints made past this 2-year timeframe.

Additionally, several areas were also identified by the Committee that it considers should be reviewed in the future, and as such recommended be considered in the policy review required under section 304 of the *Racing and Wagering Act 2024*. These are consideration of further enhancements of the Wagering Commission conflict of interest integrity measures, including the integrity provisions in other jurisdictions and what the effect of a prohibition on wagering on any race in Australia may be on the Commission, and the alignment of penalties under the *Racing and Wagering Act 2024* with other jurisdictions.

On behalf of the Committee, I would like to thank all those that made submissions to the Inquiry. The Committee also thanks the Department of Tourism and Hospitality who

briefed the Committee on the Bill and provided responses to written questions. I also thank my fellow Committee members for their bipartisan commitment to legislative scrutiny.

A handwritten signature in black ink, appearing to read 'Oly Carlson', written in a cursive style.

Oly Carlson MLA
Chair

Committee Members

Chair:	Mrs Oly Carlson, MLA Member for Wanguri
Deputy Chair:	Mr Clinton Howe, MLA Member for Drysdale
Members:	Justine Davis, MLA Member for Johnston Mr Chanston Paech, MLA Member for Gwoja Mrs Laurie Zio, MLA Member for Fannie Bay

Committee Secretariat

Committee Secretaries:	Julia Knight Katie Helme
Senior Research Officers:	Dr Will Dreyer
Administration/Research Officer:	Caelan Ikin
Administration Assistant:	Kim Cowcher
Contact Details:	GPO Box 3721 DARWIN NT 0801 Tel: +61 08 8946 1485 Email: LSC@nt.gov.au

Acknowledgments

The Committee acknowledges all those that provided written submissions to its inquiry, and the Department of Tourism and Hospitality for briefing the Committee and providing responses to written questions.

Acronyms and Abbreviations

ACT	Australian Capital Territory
Act	<i>Racing and Wagering Act 2024</i>
AGR	Alliance for Gambling Reform
Bill	<i>Racing and Wagering Amendment Bill 2026</i>
Commission	Northern Territory Wagering Commission
Committee	Legislative Scrutiny Committee
Department	Department of Tourism and Hospitality
Director	Director of Racing and Wagering
Fund	Racing and Wagering Fund
GHLEE	Gambling Harm Lived Experience Experts
Government Response	Northern Territory Government Response to the Strategic Review of the NT Racing Industry
Membership Review	Review into the membership of the Northern Territory Racing and Wagering Commission and possible conflicts of interest of its membership
Minister	Minister for Racing
NSW	New South Wales
NT	Northern Territory
NTCAT	Northern Territory Civil and Administrative Tribunal
NTRWC	Northern Territory Racing and Wagering Commission
Regulations	Racing and Wagering Regulations 2024
Strategic Review	Development of a sustainable business model for the of the Northern Territory Racing Industry: Strategic Review and Recommendations
Technical Review	Technical Review of the Racing and Wagering Act 2024
TRNT	Thoroughbred Racing Northern Territory

Terms of Reference

Sessional Order 14

Establishment of Legislative Scrutiny Committee

- (1) The Assembly appoints a Legislative Scrutiny Committee
- (2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.
- (3) The functions of the scrutiny committee shall be to inquire into and report on:
 - (a) any bill referred to it by the Assembly;
 - (b) in relation to any bill referred by the Assembly:
 - (i) whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
 - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
 - (B) is consistent with principles of natural justice; and
 - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
 - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
 - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
 - (F) provides appropriate protection against self-incrimination; and
 - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
 - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
 - (I) provides for the compulsory acquisition of property only with fair compensation; and
 - (J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and
 - (K) is unambiguous and drafted in a sufficiently clear and precise way.

- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
 - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (C) authorises the amendment of an Act only by another Act.
- (4) The committee will provide an annual report of its activities to the Assembly.

Adopted 15 October 2024

Recommendations

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Racing and Wagering Amendment Bill 2026 with the proposed amendments set out in Recommendations 2-4, 7, 9 and 11.

Recommendation 2

The Committee recommends that clause 7 of the Bill be amended to provide the Northern Territory Wagering Commission the function to protect the public from adverse impacts of unsafe wagering, including implementing consumer protection and harm minimisation measures.

Recommendation 3

The Committee recommends that clause 9 of the Bill be amended to require that delegations of the Northern Territory Wagering Commission's powers and functions be in writing.

Recommendation 4

The Committee recommends that clause 15 of the Bill be amended to provide the Director of Racing and Wagering the power to direct racecourse licence holders to implement consumer protection and harm minimisation measures related to the racing industry.

Recommendation 5

The Committee recommends that the Explanatory Statement be amended to clarify whether the Director of Racing and Wagering's oversight function of the Racing and Wagering Fund includes reporting on and publishing the financial statements of the Racing and Wagering Fund, and if not, the rationale for that.

Recommendation 6

The Committee recommends that, in the upcoming policy review required under section 304 of the *Racing and Wagering Act 2024*, consideration is given to integrity provisions across Australia, including whether Commission members in other jurisdictions are prohibited from, or enabled to, hold accounts with wagering operators licensed in different jurisdictions, and what the effect of prohibition may be.

Recommendation 7

The Committee recommends that the Bill be amended to prohibit the Northern Territory Wagering Commission members from wagering on races held at a race club registered under the *Racing and Wagering Act 2024*.

Recommendation 8

The Committee recommends that the Explanatory Statement be amended to clarify that notice of the charter of rights and responsibilities of race control bodies must be published in the Gazette, rather than the charter itself.

Recommendation 9

The Committee recommends that clause 26 of the Bill be amended to:

- extend the timeframe in which complaints must be lodged with the Director of Racing and Wagering and the Northern Territory Wagering Commission from 60 days to two years, in section 221(3)(a); and
- provide the Director of Racing and Wagering and the Northern Territory Wagering Commission discretion to accept complaints past this timeframe, in section 221(3)(b).

Recommendation 10

The Committee recommends that, in the policy review required under section 304 of the *Racing and Wagering Act 2024*, consideration is given to aligning penalties in the *Racing and Wagering Act 2024* to comparable penalties in other jurisdictions.

Recommendation 11

The Committee recommends that clause 33 of the Bill is amended to provide the Northern Territory Civil and Administrative Tribunal jurisdiction to review decisions made under proposed section 222A.

1 Introduction

Introduction of the Bill

- 1.1 The Racing and Wagering Amendment Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Minister for Racing, the Hon Marie-Clare Boothby MLA (the Minister), on 18 March 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee (the Committee) for inquiry and report by 30 April 2026.¹

Conduct of the Inquiry

- 1.2 On 19 March 2026, the Committee called for submissions by 27 March 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. The Committee received 6 submissions.
- 1.3 On 25 March 2026, the Committee held a public briefing. The Committee heard from representatives of the Department of Tourism and Hospitality (the Department).
- 1.4 On 7 April 2026, the Committee requested the Department provide additional information in writing by 14 April 2026. The Committee thanks the Department for their assistance.

Outcome of Committee's Consideration

- 1.5 Sessional Order 14 requires that the Committee after examining the Bill determine:
- whether the Assembly should pass the bill;
 - (ii) whether the Assembly should amend the bill;
 - (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
 - (iv) whether the bill has sufficient regard to the institution of Parliament.
- 1.6 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass with the proposed amendments set out in Recommendations 2-4, 7, 9 and 11.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Racing and Wagering Amendment Bill 2026 with the proposed amendments set out in Recommendations 2-4, 7, 9 and 11.

¹ Hon Marie-Clare Boothby, Minister of Racing, Draft Daily Hansard – Day 5 – 18 March 2026, pp. 16-17, <https://territorystories.nt.gov.au/10070/1030209>.

Report Structure

- 1.7 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement.
- 1.8 Chapter 3 considers the main issues raised in evidence received.

2 Overview of the Bill

Background to the Bill

- 2.1 In April 2024, the *Racing and Wagering Act 2024* (the Act) was passed by the Legislative Assembly, commencing 1 July 2024. The Act repealed the *Racing and Betting Act 1983* and established the Northern Territory Racing and Wagering Commission (NTRWC).
- 2.2 In December 2024, upon a change in government following the 2024 General Election, the Minister commissioned consultancy firm AP2 Advisory to review the racing industry in the Northern Territory (NT).² This review was delivered on 1 May 2025, entitled *Development of a sustainable business model for the of the Northern Territory Racing Industry: Strategic Review and Recommendations* (the Strategic Review).
- 2.3 The Strategic Review engaged with a range of stakeholders, primarily from government, the racing industry, and the wagering industry.³ The Strategic Review made 15 recommendations to the Minister, including significant reform to the governance of thoroughbred and greyhound racing in the NT.⁴
- 2.4 On 17 October 2025, the Minister released the NT Government's *Response to the Strategic Review of the NT Racing Industry* (the Government Response).⁵ In the Government Response, the Minister accepted 14 of the 15 recommendations in the Review, including the amalgamation of governance for thoroughbred and greyhound racing in the NT.⁶ This requires the dissolution of Thoroughbred Racing Northern Territory (TRNT), the existing race control body for thoroughbred racing in the NT.
- 2.5 Additionally, a technical review of the Act was undertaken (the Technical Review), as well as a review into 'the membership of the Northern Territory Racing and Wagering Commission, and the possible conflicts of interest of its membership' (the Membership Review).⁷ Neither the Technical Review nor the Membership Review are publicly available.

² AP2 Advisory, *Development of a Sustainable Business Model for the NT Racing Industry: Strategic Review and Recommendations*, 1 May 2025, https://dth.nt.gov.au/_data/assets/pdf_file/0010/1565569/development-of-a-sustainable-business-model-for-the-ntri.pdf.

³ AP2 Advisory, *Development of a Sustainable Business Model for the NT Racing Industry: Strategic Review and Recommendations*, 1 May 2025, pp. 55-57, https://dth.nt.gov.au/_data/assets/pdf_file/0010/1565569/development-of-a-sustainable-business-model-for-the-ntri.pdf.

⁴ AP2 Advisory, *Development of a Sustainable Business Model for the NT Racing Industry: Strategic Review and Recommendations*, pp. 8-14, https://dth.nt.gov.au/_data/assets/pdf_file/0010/1565569/development-of-a-sustainable-business-model-for-the-ntri.pdf.

⁵ Hon. Marie-Claire Boothby, *CLP delivering stronger future for racing in the Northern Territory*, <https://territorystories.nt.gov.au/10070/1015151>.

⁶ Northern Territory Government, *Response to the Strategic Review of the NT Racing Industry*, 17 October 2025, https://dth.nt.gov.au/_data/assets/pdf_file/0009/1565568/racing-industry-response-nt.pdf.

⁷ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p.1, https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

Purpose of the Bill

- 2.6 Of the 14 recommendations in the Strategic Review accepted by the Government Response, the Bill provides for the implementation of the first recommendation: that a single race control body should exist for both thoroughbred and greyhound racing in the NT. The Department advised the Committee that:

The primary change that the Bill introduces is, basically, the governing or running of the racing industry in the Territory. At the moment we have a body, TRNT, that runs the thoroughbred racing, and we have the commission that regulates greyhound racing. Following the review that was conducted on it, it was recommended that those two bodies be revoked and we create a new entity to run both industries. It is anticipated with that transpiring there will be improved governance and, hopefully, increased participation, sponsorship and revenue generated.

The biggest change from this Bill is the fact that rather than having separate bodies regulate the two different codes of racing, it will be brought under one umbrella. That entity, which will be known as Racing NT, will be charged with having a more business-focused outcome on running the racing industry in the Territory.⁸

- 2.7 Alongside this reform, as the Minister described in her first reading speech, the Bill conducts a structural reset of the governance framework of racing and wagering in the NT:

This Bill... completes the structural reset of the Territory's racing governance framework by separating wagering regulation from racing administration; removing racing functions from the NT Racing and Wagering Commission, including its current role as the race control body for greyhound racing; and strengthens the independence and accountability of both systems.⁹

- 2.8 As noted in the Explanatory Statement, governance reform includes matters raised in the Technical Review and the Membership Review:

The purpose of this Bill is to make amendments as a result of a Technical Review of the Act, a review held into the Northern Territory's thoroughbred and greyhound racing industries, as well as a review into the membership of the Northern Territory Racing and Wagering Commission, and the possible conflicts of interest of its membership.¹⁰

⁸ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

⁹ Hon Marie-Claire Boothby, Minister of Racing, Draft Daily Hansard – Day 5 – 18 March 2026, p. 16, <https://territorystories.nt.gov.au/10070/1030209>.

¹⁰ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

3 Examination of the Bill

Introduction

3.1 The Committee received 6 submissions to its inquiry. One submission (Sportsbet) supported the Bill as drafted.¹¹ Most other submitters broadly supported the intent of the Bill, although as discussed below, several submitters raised specific concerns, including issues regarding:

- harm minimisation from wagering
- the Commission's ability to delegate its powers and functions
- the scope of conflicts of interest provisions for decision-makers
- the effectiveness of the complaints, investigation, and disciplinary action pathways.

Shifting of racing responsibilities from the Racing and Wagering Commission to the Director of Racing and Wagering

3.2 The Bill seeks to move all racing responsibilities from the NTRWC to the Director of Racing and Wagering (the Director). As described by the Minister in her first reading speech, the Bill seeks to provide a:

...structural reset of the Territory's racing governance framework by separating wagering regulation from racing administration; removing racing functions from the NT Racing and Wagering Commission, including its current role as the race control body for greyhound racing; and strengthens the independence and accountability of both systems... This Bill strengthens independence and clarity of the wagering regulator. The current commission will be known as the Northern Territory Wagering Commission, with all racing responsibilities removed. Its focus will be on licensing, compliance, dispute resolution and online wagering oversight.¹²

3.3 The Department elaborated on the rationale for this reform in a public briefing, explaining that:

Currently, the commission for the racing industry is the overarching authority. It has the powers to take action against a race control body. For instance, at the moment for thoroughbreds that is Thoroughbred Racing NT. If Thoroughbred Racing NT step out of line, the commission has powers to direct them to take an action and things of that nature.

As part of the review of the racing industry, it was recommended that all those powers be removed from the commission... It was then determined that the best position was the Director of Racing and Wagering so that there remains an overarching authority to be able to issue a direction or take action against a race control body.¹³

¹¹ Sportsbet, Submission No. 3, pp. 1-2.

¹² Hon Marie-Claire Boothby, Minister of Racing, Draft Daily Hansard – Day 5 – 18 March 2026, p. 16, <https://territorystories.nt.gov.au/10070/1030209>.

¹³ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 4, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

3.4 This is implemented through several amendments to the Act and the Racing and Wagering Regulations 2024 (the Regulations):

- Clause 6 seeks to amend section 14 to rename the ‘Northern Territory Racing and Wagering Commission’ to the ‘Northern Territory Wagering Commission’ (the Commission).
- Clause 7 seeks to amend section 15 to remove functions related to the racing industry from the Commission.
- Clause 8 seeks to repeal and replace section 16 to specify the revised powers of the Commission, removing all powers related to the racing industry.
- Clause 9 seeks to amend section 17 to expand the powers and functions that the Commission may delegate to the Director or a public sector employee with appropriate qualifications or experience, from those prescribed by regulation to any of the Commission’s powers and functions. Consequently, clause 40 seeks to repeal regulation 5 of the Regulations which currently prescribes the powers and functions that can be delegated by the Commission to the Director.
- Clause 15 seeks to repeal and replace section 30 which provides the functions of the Director and to insert section 30A, which provides for the powers of the Director. Together, these amendments add the functions and powers associated with racing that currently sit with the NTRWC, apart from the NTRWC’s power to direct licensees to implement consumer protection and harm minimisation measures related to the racing industry.
- Clause 14 seeks to amend section 27 to omit the requirement for the Commission to include in their annual report the financial statements of the Racing and Wagering Fund (the Fund), as oversight of this fund is proposed to be a function of the Director.
- Clause 25 seeks to amend section 154 to provide that the Commission may impose new conditions on existing licences. Consequently, clause 44 seeks to repeal and replace regulation 19 of the Regulations to specify the notice requirements of the Commission prior to varying, revoking, or imposing licence conditions.
- Clauses 4, 5, 17, 20, 33, 36, 38, and 45 seek to make further consequential amendments reflecting the change in the Commission’s name and shift of racing responsibilities from the NTRWC to the Director.

Shifting of racing responsibilities

3.5 Sam Wilks, the Australian Christian Lobby, and Gambling Harm Lived Experience Experts (GHLEE) broadly supported the removal of racing responsibilities from the NTRWC and the provision of these responsibilities to the Director.¹⁴ These changes

¹⁴ Sam Wilks, Submission No. 1, p. 6; Australian Christian Lobby, Submission No. 4, p. 3; Gambling Harm Lived Experience Experts, Submission No. 5, p. 1, 6.

were seen to reduce potential conflicts of interest arising between their racing and wagering responsibilities.¹⁵

- 3.6 However, the Alliance for Gambling Reform (AGR) submitted that the structural division of responsibilities did not sufficiently address the inseparable relationship between wagering and racing:

While framed as an accountability reform, this restructuring appears designed to quarantine the Commission from conflicts that had already become publicly embarrassing, rather than to strengthen regulatory outcomes. Racing and wagering are not separable in practice. Racing - particularly fast turnover greyhound and harness racing - is deliberately used by wagering platforms to:

- keep sports bettors engaged between matches;
- extend gambling sessions;
- and maximise turnover.

By redefining racing as “out of scope,” the Bill narrows what qualifies as a conflict of interest for Commissioners without addressing the commercial reality of wagering operations.¹⁶

- 3.7 Sam Wilks raised concerns that the shift in responsibilities, in conjunction with the Director’s existing and proposed investigatory and disciplinary powers, concentrated too much power in the Director:

This is a large concentration of investigative, administrative, disciplinary and prosecutorial authority in one office. Systems that depend too heavily on the quality or restraint of one office-holder are brittle systems. Good law separates powers where possible, it does not stack them.¹⁷

- 3.8 Sam Wilks further opposed the proposed powers of the Commission to impose new conditions on existing licences, arguing that this could create red tape if the grounds for conditions are not clear:

A power to add new conditions to an existing licence can become regulation by ambush if the grounds for doing so are not clear and objective...The Bill should state that new conditions may only be imposed on existing licences for defined reasons such as integrity risk, consumer harm, compliance failure, public safety, or demonstrated operational necessity.¹⁸

Consumer protection and harm minimisation functions and powers

Functions of the Commission

- 3.9 GHLEE and AGR were concerned that the discretionary powers of the Commission and Director do not impose obligations to act.¹⁹ In particular, AGR submitted that there are no harm minimisation or consumer protection requirements in the Bill:

Serious consumer harm protections remain unmentioned and at best discretionary, not enforceable...The Act should be amended to reflect baseline standards of responsibility already applied in other regulated sectors.

¹⁵ Australian Christian Lobby, Submission No. 4, p. 3.

¹⁶ Alliance for Gambling Reform, Submission No. 6, p. 2.

¹⁷ Sam Wilks, Submission No. 1, p. 4.

¹⁸ Sam Wilks, Submission No. 1, p. 5.

¹⁹ Gambling Harm Lived Experience Experts, Submission No. 5, p. 3; Alliance for Gambling Reform, Submission No. 6, p. 3.

This includes:

- a narrow, clearly scoped statutory duty of care, limited to:
 - o compliance with harm minimisation obligations; and
 - o prevention of foreseeable, systemic consumer harm;²⁰

3.10 The Committee notes that although the Commission has the discretionary power to direct licensees to conduct consumer protection and harm minimisation measures, the proposed amendments in the Bill to the functions of the Commission do not propose a consumer protection or harm minimisation *function* for the Commission. The Committee asked the Department the rationale for not providing the Commission an explicit consumer protection or harm minimisation function, who advised that:

The Commission is expressly empowered to undertake gambling harm minimisation functions under section 16(j) of the Act.

Harm minimisation is also a stated object of the Act (section 3(d)).

The Commission's role in regulating wagering includes oversight of compliance with legislative requirements, licence conditions and codes of practice, which together support harm minimisation.²¹

3.11 The Committee notes that section 62A of *Interpretation Act 1978* (NT) specifies that, in interpreting a provision of an Act, an interpretation that promotes the purpose or objects of the Act is preferred over one that does not.²² Accordingly, the interpretation of the Commission's functions should be read with the overarching purposes of the Act in mind, including 'to protect the public from adverse impacts of unsafe wagering, through consumer protection and harm minimisation measures'.²³

3.12 However, the Committee notes that in most other jurisdictions in Australia, regulatory bodies in the gaming and wagering sector have specific consumer protection or harm minimisation functions. These include:

- the Australian Capital Territory (ACT) Gambling and Racing Commission, who must exercise its functions in the way that best 'promotes consumer protection; and... reduces the risks and costs, to the community and to the individuals concerned, of gambling harm'²⁴
- the New South Wales (NSW) Independent Liquor and Gaming Authority, which is subject to the direction of the Minister, who has directed that a function of the Authority is to 'minimis[e] harm associated with the misuse and abuse of liquor and gambling activities'²⁵
- the South Australian Liquor and Gambling Commissioner, who have a function 'to develop and promote strategies for reducing the incidence of problem gambling

²⁰ Alliance for Gambling Reform, Submission No. 6, pp. 3, 6-7.

²¹ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 19, p. 1, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

²² *Interpretation Act 1978* (NT), section 62A.

²³ *Racing and Wagering Act 2024* (NT), section 3(d).

²⁴ *Gambling and Racing Control Act 1999* (ACT), section 7.

²⁵ Minister for Gaming and Racing (NSW), Ministerial Statement of Expectations issued to the Independent Liquor & Gaming Authority, 21 February 2024, p. 1, <https://www.ilga.nsw.gov.au/sites/default/files/2024-06/Statement-of-Ministerial-Expectations-ILGA-21-February-2024.pdf>.

and for preventing or minimising the harm caused by gambling’ and ‘to provide a proactive whole-of-industry and client-centric responsive approach to the promotion of responsible gambling practices and the prevention or minimisation of harm caused by gambling’²⁶

- the Tasmanian Liquor and Gambling Commission, who have a function ‘to foster the responsible service of gambling and minimise the harm from gambling’²⁷
- the Western Australian Gaming and Wagering Commission, who have a duty ‘to formulate and implement policies for the scrutiny, control and regulation of gaming and wagering, taking into account the requirements and interests of the community as a whole and the need to minimise harm caused by gambling’²⁸
- the Victorian Gambling and Casino Control Commission, who have a function to ‘undertake activities to minimise gambling harm’.²⁹

3.13 That said, the ACT and Western Australian legislation have no objects or purposes. In the NSW and Victoria legislation, consumer protection and harm minimisation do not feature in the objects or purposes of their Acts.

3.14 However, in South Australia and Tasmania harm minimisation features in both the objects of the Act and functions of the regulatory body. These legislative features may complement one another to strengthen measures contained in the Bill:

- in South Australia objects of the Act include ‘to reduce the prevalence and severity of harm associated with the misuse and abuse of gambling activities’ and ‘to foster responsible conduct in relation to gambling and, in particular, to ensure that gambling is conducted responsibly, fairly and honestly, with regard to minimising the harm associated with gambling’.³⁰
- in Tasmania objects of the Act include to ‘take a public health and consumer protection approach to protect people, particularly people who are vulnerable, from being (i) harmed by gambling; or (ii) exploited by gaming operators’.³¹

Powers of the Director

3.15 The Committee notes that section 16 of the Act provides the NTRWC the power to direct licensees to implement consumer protection and harm minimisation measures related to both the racing and the wagering industries. Whilst the Bill proposes that the Commission retain this power in relation to the wagering industry, it does not propose to provide the Director the power to direct racecourse licence holders to implement consumer protection and harm minimisation measures related to the racing industry.

3.16 The Committee asked the Department why harm minimisation powers are not aligned between the Commission’s power to direct licensees regarding the wagering industry

²⁶ *Gambling Administration Act 2019* (SA), section 6(a).

²⁷ *Gaming Control Act 1993* (TAS), section 125(ac).

²⁸ *Gaming and Wagering Commission Act 1987* (WA), section 7(1)(ba).

²⁹ *Victorian Gambling and Casino Control Commission Act 2011* (VIC), section 9(1)(i).

³⁰ *Gambling Administration Act 2019* (SA), section 3(a) and 3(b).

³¹ *Gaming Control Act 1993* (TAS), section 2A(b).

and the Director's power to direct regarding the racing industry. Unfortunately, the Department's response did not provide any clarity to this question, advising the Committee that the harm minimisation power of the Commission relates to the wagering industry:

The Director's role is focused on the racing industry.

Wagering regulation, including harm minimisations measures, sits with the Commission, which regulates wagering licensees.

This ensures clear separation of functions and responsibilities across the system.³²

- 3.17 The Committee notes that the Explanatory Statement describes the intended powers of the Director as including the existing powers and functions captured under the Act, and does not reference any removal of powers from the Act:

This clause repeals the existing provisions relating to the powers and functions of the Director of Racing and Wagering, separating them into powers and functions (rather than combined as is currently the case) and reflects the Director's newly granted responsibilities over the racing industry.

Along with the existing powers and functions captured under the Act, the Director now has additional responsibilities that used to rest with the Commission, including the power to take disciplinary action where appropriate and provided for under the Act, as it relates to the NT racing industry.³³

Delegation of powers and functions

- 3.18 Sam Wilks and AGR raised concerns regarding the Commission's expanded power to delegate its powers and functions to the Director or a public servant with appropriate qualifications and experience, arguing that this created accountability and transparency concerns.³⁴ They questioned the extent to which powers and functions would be delegated in practice, and if this amendment would result in 'over delegation' with the Commission becoming a 'shell that formally exists while real decisions are made elsewhere.'³⁵ Consequently, they recommended that powers related to licensing and discipline be prohibited from being delegated. Further, they recommended that any delegations of power should be in writing and/or publicly reported on.³⁶

- 3.19 The Department advised the Committee that the current delegation provisions were causing operational inefficiencies:

The current powers and functions that are prescribed, we found once the Act got underway, were limiting with regard to what the delegate could sign off on. As a result of that, that meant more matters were having to be presented to the commission for a determination. This allows to free up those particular powers so that we can improve efficiency so that matters that a delegate can determine

³² Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 19, p. 1, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

³³ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 4, https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

³⁴ Sam Wilks, Submission No. 1, p. 2; Alliance for Gambling Reform, Submission No. 6, p. 2.

³⁵ Sam Wilks, Submission No. 1, p. 2; Alliance for Gambling Reform, Submission No. 6, p. 2.

³⁶ Sam Wilks, Submission No. 1, p. 2; Alliance for Gambling Reform, Submission No. 6, p. 5.

based on their skills and experience and whatever expand, so less things have to go to the commission, which basically speeds up the whole process in determining.

There are still obviously serious matters that the commission will determine, but it is the smaller matters, the simple straightforward disputes and the like, that can now be made at the delegation level.³⁷

- 3.20 The Committee notes that the proposed delegation powers represent a significant expansion of those currently prescribed by regulation. New powers that may be delegated include the power to determine applications for and issue licences, give directions to licensees, make guidelines for the regulation of the wagering industry, and determine complaints and take disciplinary actions. Accordingly, the Committee asked the Department why the proposed expansion of delegable powers was not limited only to those matters that had been causing operational inefficiencies, who advised that:

This amendment aligns with the delegation framework under the former *Racing and Betting Act 1983* and supports more efficient administration.

It enables routine and operational matters to be determined by delegates, allowing the Commission to focus on more complex issues and respond promptly to complaints.

The Commission retains full discretion over which powers and functions are delegated.

Delegates operate within established governance and accountability frameworks and may refer matters back to the Commission where appropriate.³⁸

- 3.21 The Committee also asked the Department whether any consideration had been given to require delegations in writing, who advised that:

In practice, all delegations are made in writing and operate within established governance frameworks.³⁹

Racing and Wagering Fund

- 3.22 The Bill proposes to shift oversight of the Fund from the NTRWC to the Director. This was supported by Sam Wilks.⁴⁰ The Explanatory Statement states that the NTRWC's responsibility for the Fund was an error of attribution in the Act, and this amendment fixes that error.⁴¹

- 3.23 The Committee notes that the Act currently requires the financial statements of the Fund to be published in the NTRWC's annual report. With responsibility for the Fund

³⁷ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 5, https://parliament.nt.gov.au/_data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

³⁸ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 1, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

³⁹ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 2, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁴⁰ Sam Wilks, Submission No. 1, p. 6.

⁴¹ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 4, https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

transferring to the Director, the Bill proposes to remove this requirement. However, there is no corresponding requirement proposed in the Bill for the Director to publish the financial statements of the Fund. The Explanatory Statement does not explain whether it is intended for the financial statements to be published by the Director, only stating:

Clause 14. Section 27 amended (Annual report)

This last amendment addresses an error in the Act, whereby the responsibility for the Racing and Wagering Fund was incorrectly attributed to the Commission, when it should have been the responsibility of the Director of Racing and Wagering...

Clause 15. Section 30 replaced

...The Director assumes powers that include the ability to direct a race control body in the execution of its responsibilities, issues racing related guidelines, as well as having its role in overseeing the Racing and Wagering Fund, confirmed in the legislation (refer Clause 14).⁴²

Committee's Comments

- 3.24 On the balance of evidence, the Committee is satisfied that the distribution of the NTRWC's racing and wagering functions between the Commission and the Director delivers on the policy intent of the Bill. However, the Committee considers that the functions of the Commission should be revised to further strengthen the governance framework of the Commission, by aligning the functions of the Commission to better reflect the purpose of the Act. Specifically, the Committee believes the Commission should have a function to protect the public from adverse impacts of unsafe wagering through consumer protection and harm minimisation measures. This would better reflect the consumer protection and harm minimisation purposes of the Act.
- 3.25 The Committee considered several different mechanisms for implementing this function. These included whether the inclusion of the function should be considered by the policy review required under section 304 of the Act, which must be completed within three years after the date of the commencement of the Act (by 1 July 2027). However, the Committee believes that the case for enhanced consumer protection and harm minimisation functions for the Commission has been made. Waiting for the policy review will delay enhancements to the consumer protection and harm minimisation safeguards in the Act. Accordingly, the Committee recommends that the functions of the Commission be amended to include that a function of the Commission is to protect the public from adverse impacts of unsafe wagering, including implementing consumer protection and harm minimisation measures. The Committee notes this largely replicates the wording from the purpose of the Act in section 3(d).
- 3.26 The Committee acknowledges the concerns of submitters regarding the expanded range of powers and functions that may be delegated to the Director or an appropriately qualified or experienced public servant. However, the Committee notes

⁴² Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 4, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

that the powers and functions that may be delegated are not coercive or otherwise limiting of rights or liberties. Accordingly, the Committee is satisfied on the balance of evidence that the delegations are appropriate. However, the Committee agrees that additional safeguards could be put in place. Noting that it is an operational practice of the Department to provide delegations in writing and therefore that a legislative requirement for delegations to be in writing would not create administrative burden for the Department, the Committee recommends that the Bill should be amended to require delegations to be in writing.

- 3.27 Additionally, the Committee considers that the power to direct the racing industry to undertake consumer protection and harm minimisation measures that the Act currently provides to the NTRWC should be retained. Noting that the Bill proposes amendments to the definitions of licensees and seeks to define a racecourse licence to reflect the separation of the racing and wagering responsibilities, the Committee recommends that the Bill be amended to provide the Director the power to direct racecourse licence holders to implement consumer protection and harm minimisation measures related to the racing industry.
- 3.28 The Committee supports the shift of responsibility for the Fund to the Director. However, the Committee considers that the Explanatory Statement should specify whether the Director is intended to be responsible for publishing the financial statements of the Fund as the Commission formerly was, and if not, why it is intended that the financial statements are no longer published.

Recommendation 2

The Committee recommends that clause 7 of the Bill be amended to provide the Northern Territory Wagering Commission the function to protect the public from adverse impacts of unsafe wagering, including implementing consumer protection and harm minimisation measures.

Recommendation 3

The Committee recommends that clause 9 of the Bill be amended to require that delegations of the Northern Territory Wagering Commission's powers and functions be in writing.

Recommendation 4

The Committee recommends that clause 15 of the Bill be amended to provide the Director of Racing and Wagering the power to direct racecourse licence holders to implement consumer protection and harm minimisation measures related to the racing industry.

Recommendation 5

The Committee recommends that the Explanatory Statement be amended to clarify whether the Director of Racing and Wagering's oversight function of the Racing and Wagering Fund includes reporting on and publishing the financial statements of the Racing and Wagering Fund, and if not, the rationale for that.

Conditions of office

3.29 The Bill seeks to amend the conditions of office for members of the Commission, the Director and race control bodies, including expanding the Commission's conflict of interest and integrity requirements. As described by the Minister in her first reading speech:

This Bill... modernises the governance standards. It introduces conflict of interest safeguards, including prohibition commission members from owning racing animals or holding wagering accounts with NT licensed wagering operators. A maximum six-year tenure limit for commission members is also introduced, supporting renewal and improved governance practice. In addition, a 12-month post-separation restriction will prevent former commission members from working with NT licensed wagering operators. This cooling-off period will strengthen public confidence and guard against any perception of regulatory capture.⁴³

3.30 The Department elaborated on this in a public briefing, explaining that the changes expanded what would be considered a conflict of interest:

It has expanded to cover direct and indirect conflicts that would impact on the person doing the role as a member. Currently under the Act it is restricted to a matter that the commission is considering, so if a member has a conflict of a matter they are determining—say, a complaint or a licence application—they are basically removed from that equation; they do not get papers or anything like that. With this change, it expands that to include their overall role as a member of the commission. It expands. Rather than limiting to just a particular matter, it is their role as a whole with regard to if they had relationships with somebody who worked in a wagering operator or things like that.⁴⁴

3.31 This is implemented through several amendments to the Act:

- Clause 10 seeks to amend section 19 to alter the eligibility requirements for members of the Commission. It seeks to: omit the requirement that members of the Commission must have knowledge or experience of the thoroughbred, harness or greyhound industry; replace the requirement that the Chair, Deputy Chair and one other member must be 'legal practitioners' with a requirement they be 'lawyers'; and omit the prohibition on members of the Commission from being involved with thoroughbred or harness racing in the last 2 years, due to the fact that the Commission was not the race control body for horse racing in the NT.
- Clause 11 seeks to insert sections 19A, 19B, and 19C to expand the conflict of interest requirements of members of the Commission. Proposed section 19A requires members to close any accounts with wagering licensees and prohibits them from opening an account, if they are licensed in the NT. Proposed section 19B requires members to sell or dispose of any racing animal or interest in a racing animal they have and not acquire a racing animal or interest in a racing animal. Proposed section 19C seeks to require members to disclose to the Minister any direct or indirect interests that members have or acquire that conflicts or might conflict with the member's functions, but also provides that failure of a member to

⁴³ Hon Marie-Claire Boothby, Minister of Racing, Draft Daily Hansard – Day 5 – 18 March 2026, p. 16, <https://territorystories.nt.gov.au/10070/1030209>.

⁴⁴ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 4, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

comply with conflict of interest requirements in section 19C does not affect the validity of a decision of the Commission. Consequently, clause 13 seeks to amend section 23 of the Act to specify that the office of a member becomes vacant if they become ineligible to hold office under sections 19A, 19B or 19C.

- Clause 12 seeks to amend section 21 to prohibit the reappointment of a member to the Commission if that would result in their holding office for six or more years, unless exceptional circumstances apply.
- Clause 16 seeks to repeal and replace section 40 and the heading of Part 2, Division 5 to extend the cool-off period prohibiting a member of the Commission working for a licensee from six months after their term ends to one year after their term ends, and to provide a cool-off period prohibiting the Director or an inspector from working for a licensee for six months after their appointment ends.

Conflicts of interest

3.32 The Explanatory Statement provides explanation of the intent behind the amendments in proposed sections 19A, 19B and 19C:

This clause introduces amendments to strengthen the membership criteria of the Commission, following an external review of the current membership. This clause inserts 3 new provisions that further reduce the chances of conflicts of interests amongst the membership and goes to strengthening the public trust in the Commission...⁴⁵

3.33 The intent of the amendments to enhance the integrity of decisions made under the Act was broadly supported by submitters.⁴⁶ However, several submitters identified concerns with the clauses as drafted or sought further strengthening of the conflict of interest provisions.

3.34 GHLEE queried whether proposed section 19C(3) would allow members of the Commission to receive gifts or hospitality without needing to declare those gifts or hospitality.⁴⁷ The Department advised the Committee that it would not:

No. Commission members remain subject to existing obligations to declare gifts and hospitality. Section 19C(3) does not alter these requirements.⁴⁸

3.35 Sam Wilks opposed proposed section 19C(4) which specifies that any failure of a member to comply with the conflict of interest declaration requirements in section 19C does not invalidate a decision made by the Commission. The Explanatory Statement notes that this provision was included to 'protect a Commission decision made following a possible oversight of the member in not

⁴⁵ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 2, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf

⁴⁶ Sam Wilks, Submission No. 1, p. 2; Nicolle Reynolds, Submission No. 2, p. 1; Australian Christian Lobby, Submission No. 4, p. 3; Gambling Harm Lived Experience Experts, Submission No. 5, p. 4.

⁴⁷ Gambling Harm Lived Experience Experts, Submission No. 5, p. 4.

⁴⁸ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 2, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

declaring the interest, or thinking the interest is not a conflict.⁴⁹ However, Sam Wilks argued that:

The Bill strengthens conflict rules with one hand and weakens them with the other. If non-disclosure never affects decision validity, even where the undisclosed interest is serious, the practical incentive to comply is reduced and the burden shifts to outsiders to challenge the outcome through review or other proceedings... Section 19C(4) should be immediately amended so that immaterial non-disclosure does not invalidate a decision, but material non-disclosure may ground reconsideration, rehearing, or review where impartiality could reasonably be affected.⁵⁰

3.36 The Committee asked the Department what the risks of deliberate or significant non-disclosure would be if that non-disclosure did not invalidate the Commission's decision. The Department advised that governance mechanisms can address deliberate non-disclosure:

The provision ensures that decisions are not invalidated on procedural grounds, supporting regulatory certainty.

Any failure to declare an interest is addressed through governance mechanisms, including potential removal from office.

Decisions of the Commission are made by a quorum, which provides an additional safeguard.⁵¹

3.37 GHLEE also expressed concerns that the eligibility criteria and conflict of interest requirements that apply to members of the Commission do not apply to the Director.⁵² The Committee asked the Department whether they had considered applying the criteria to the Director as well as the Commission, who advised that:

The Director operates within the public sector governance framework, which includes strict obligations to declare and manage conflicts of interest. Any delegated functions are exercised within that framework.⁵³

3.38 More broadly, AGR submitted that the proposed conflict of interest requirements does not address structural or relational conflicts, nor did they facilitate enhanced public transparency of Commissioners' interests:

The Bill tightens a narrow category of visible conflicts but leaves structural and relational conflicts unaddressed, without public disclosure or scrutiny... Current conflict of interest provisions address only the most visible risks. The governance framework should require:

- a public register of interests for Commissioners, including:
 - prior industry employment;
 - board and advisory roles;

⁴⁹ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf

⁵⁰ Sam Wilks, Submission No. 1, p. 3.

⁵¹ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 2, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁵² Gambling Harm Lived Experience Experts, Submission No. 5, p. 4.

⁵³ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions Serial 59, 14 April 2026, p. 2, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

- close family or personal connections to industry or related industries, including potential interests;
- reasons for conflicts being declared;
- timely updates to that register;
- minimum quorum requirements ensuring that enforcement decisions are made by unconflicted members.⁵⁴

3.39 The Committee asked the Department what additional conflict of interest measures had been considered, including a public record, and was advised that:

The amendments are supported by strengthened governance processes, including updated policies and procedures for declaring and managing interests, maintaining registers, and supporting transparency.

These arrangements are consistent with other statutory bodies and balance transparency with privacy considerations.⁵⁵

3.40 The Committee also notes that in the public briefing, the Department told the Committee that additional work seeking to enhance the integrity of the conflict of interest regime within the Commission was being undertaken at an operational level:

the Wagering Commission... is doing a lot of work behind the scenes developing a gifts and benefits policy and a code of conduct that will be up on their website shortly, open and transparent so that everyone can see exactly the processes they need to comply with... it will be published on their website.⁵⁶

3.41 The Committee queried the restrictions on members of the Commission having accounts with wagering operators. The Department told the Committee that restrictions on members of the Commission from having accounts with wagering licensees or owning racing animals seek to remove the possibility of bias in decision-making and enhance public trust in the Commission:

...the prohibition of holding a wagering account with an NT licensee. That obviously means that, from a public perception point of view, there can be seen to be no conflicts with regard to a decision being determined by the commission. For instance, say it was against Sportsbet; if a member held a Sportsbet account, there could be an argument that they might be biased. Therefore, the removal of the ability for a commission member to hold an account with an NT licensee removes that perception that there could possibly be bias.⁵⁷

3.42 The Department advised that, although the Commission is unable to hold accounts with licensees under the Act, they may hold accounts with operators licensed in other jurisdictions. The Department explained that this would not create conflicts of interest because members of the Commission cannot influence the regulation of wagering operators in other jurisdictions:

⁵⁴ Alliance for Gambling Reform, Submission No. 6, p. 3, 6.

⁵⁵ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 2, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁵⁶ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, pp. 4-5, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

⁵⁷ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 5, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

The Bill basically proposes that they cannot have an account with an operator that is licensed under the Act. Theoretically, they could have an account with a Victorian operator or a WA operator. That is primarily because they have no influence over the regulation of that particular operator. That is why it is limited to an operator that is licensed under the Northern Territory legislation... a member of the commission here—apart from perhaps alerting a regulator of another jurisdiction to a matter that has come to their attention—would have no power to make a determination or even lodge a complaint or anything against an operator.⁵⁸

3.43 The Committee notes that wagering operators that are not licensed in the NT may operate in the NT and may take wagers on races in the NT. Restrictions on NTRWC members wagering on these races are enforced through the NTRWC Code of Conduct, rather than by legislative prohibition.⁵⁹ The Bill does not seek to legislate this prohibition.

3.44 Accordingly, the Committee asked the Department why there was no restriction on members of the Commission having accounts with operators licensed in other jurisdictions, even though those operators may take bets on races in the NT. The Department pointed to the NTRWC Code of Conduct and again advised the Committee that the Commission shall not regulate wagering operators in other jurisdictions:

The Commission members are subject to a code of conduct that requires identification, declaration and management of any potential conflicts.

The Commission regulates Northern Territory wagering licensees and does not regulate operators in other jurisdictions.

These arrangements ensure transparency and accountability in the management of potential conflicts.⁶⁰

3.45 The Committee notes that the Explanatory Statement justifies the restriction on members of the Commission from owning racing animals anywhere in Australia due to the inseparable relationship between racing and wagering. It also explains that even where no possible conflict over responsibilities exists, the perception alone that there may be conflict is justification for a restriction on members of the Commission's activities:

...given the intrinsic link between racing and wagering, the decision has been made to prevent a member from owning, whether outright or a share of, any racing animal, while holding office... This prohibition has been introduced to once again address possible concerns regarding bias or a conflict of interest between the Commission and the wagering industry. It is this perception that supports this clause, despite the fact that the Commission will no longer have any responsibilities tied to the racing industry.⁶¹

⁵⁸ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 5.

⁵⁹ Northern Territory Racing and Wagering Commission, *Code of Conduct*, 17 December 2025, p. 4, https://dth.nt.gov.au/data/assets/pdf_file/0010/1592929/ntrwc-code-of-conduct-dec-2025.pdf

⁶⁰ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 2, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁶¹ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf

Legal experience

3.46 The Committee was advised by the Department that replacing the requirement that the Chair, Deputy Chair, and one other member of the Commission be 'legal practitioners' with a requirement that they be 'lawyers' enabled a wider range of people to be eligible to be members, without reducing minimum requirements of expertise, knowledge, and experience:

Under the current Act, the Chair, Deputy Chair and one other member must be a legal practitioner which requires you to hold a practising certificate under the *Legal Profession Act*. Changing the word to 'lawyer' allows someone to be a member who has the expertise, knowledge and five years' experience without having to hold that practising certificate. It aligns with the Liquor Commission, for example, where it is only a requirement to be a lawyer.⁶²

3.47 The Committee did not receive any comments on these changes from submitters.

Term of office

3.48 The Bill proposes to introduce term limits on members of the Commission, unless exceptional circumstances apply. The Department provided examples of when exceptional circumstances may apply that would justify a member's term of office extending past six years:

...we have a small population obviously... if we have a member or a number of members who have reached their six years and we say, 'You can't be a member anymore', that possibly could leave us with a very inexperienced commission moving forward from that time, so it may be that there is an argument that a member be extended for a short period of time to allow a bedding-in process for new members. It gives us a bit of flexibility to ensure that we have not a fully green commission, but also recognising that people come and people go and we might not necessarily get applicants for any vacancies or the like.⁶³

3.49 The Committee did not receive any comments on these changes from submitters.

Cool-off period

3.50 Sam Wilks supported the extension of the cool-off period for members of the Commission working for a licensee to one year, and the introduction of a cool-off period of six-months for the Director.⁶⁴

3.51 The Committee queried the Department regarding the difference in cool-off periods between members of the Commission and the Director. The Department advised that:

Commission members are involved in collective decision-making and have exposure to commercially sensitive information across a broad range of regulatory matters.

⁶² Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 7, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

⁶³ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 7, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

⁶⁴ Sam Wilks, Submission No. 1, p. 6.

While the Director supports these processes and may be delegated functions from time to time, the Director's role is exercised within the public sector governance framework and does not carry the same level of ongoing exposure to, or influence over, sensitive commercial information as the Commission's collective decision-making role.

The longer cooling-off period for Commission members reflects this higher level of exposure.⁶⁵

Committee's Comments

- 3.52 The Committee is satisfied that the conflict of interest provisions proposed in the Bill will enhance the integrity of the Commission. In particular, the Department's advice assured the Committee that several concerns raised by submitters were adequately addressed in the Bill, including questions of gifts and hospitality, mechanisms to deal with non-disclosure, the Director's conflict of interest obligations, and alignment of the cool-off period.
- 3.53 However, the Committee considers that prohibitions on Commission members' wagering activities are not sufficient. The Bill proposes that Commission members be prohibited from owning a racing animal, despite the fact that it is not proposed that Commission members will regulate the racing industry in the NT or Australia. The Explanatory Statement justifies this prohibition across industry lines on the basis of the intrinsic link between racing and wagering and the perception of members having a conflict of interest.
- 3.54 However, restrictions proposed on Commission members' wagering activities limit them only from wagering with wagering operators licensed under the Act. The Committee understands that the Wagering Commission members will not regulate wagering operators licensed in other jurisdictions. However, if the intrinsic link between racing and wagering and perceptions of conflicts of interest is sufficient justification for a prohibition on the Wagering Commission members engaging in activity across industry lines, the Committee considers these issues could justify a prohibition on members having wagering accounts in any jurisdiction.
- 3.55 Accordingly, the Committee considered several recommendations along these lines, including whether Commission members should be prohibited from wagering with a wagering operator licensed in the NT or any other State or Territory, by an amendment to the Bill or to the NTRWC Code of Conduct. However, the Committee reflects that such a prohibition may disincentivise otherwise highly experienced, qualified or expert candidates from seeking membership on the Commission. The Committee believes that it would be unfortunate for the pursuit of regulatory strength to result in less qualified Commission members.
- 3.56 Accordingly, the Committee recommends that further examination of the prohibitions on Commission members' activities with wagering operators is needed, including consideration of integrity provisions in other jurisdictions across Australia. In particular, consideration should be given to whether Commission members in other

⁶⁵ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

jurisdictions are prohibited from or enabled to hold accounts with wagering operators licensed in different jurisdictions, and what the effect of prohibition may be. The Committee considers that the appropriate mechanism for this consideration is the policy review required under section 304 of the Act, which must be completed within three years after the date of the commencement of the Act (by 1 July 2027).

- 3.57 That said, the Committee is satisfied that current prohibitions in the NTRWC Code of Conduct on NTRWC members from wagering on races for which the NTRWC is the race control body have not undermined the expert and otherwise qualified credentials of the current NTRWC members. Noting also that the Explanatory Statement explains the aim of the conflict of interest provisions is to build public trust in the Commission, the Committee believes that this safeguard should be incorporated in the Act. Accordingly, the Committee recommends the Bill be amended to prohibit Commission members from wagering on races held at a race club registered under this Act.

Recommendation 6

The Committee recommends that, in the upcoming policy review required under section 304 of the *Racing and Wagering Act 2024*, consideration is given to integrity provisions across Australia, including whether Commission members in other jurisdictions are prohibited from, or enabled to, hold accounts with wagering operators licensed in different jurisdictions, and what the effect of prohibition may be.

Recommendation 7

The Committee recommends that the Bill be amended to prohibit the Northern Territory Wagering Commission members from wagering on races held at a race club registered under the *Racing and Wagering Act 2024*.

Racing governance

- 3.58 The Bill seeks to make several changes to racing governance in the NT. As described by the Minister in her first reading speech:

The Bill dissolves Thoroughbred Racing Northern Territory and enables the establishment of Racing NT as a single controlling body for both thoroughbreds and greyhound racing. Racing NT will be appointed as the race control body for all racing codes and will operate under a clear charter, governed by a skills-based board with defined responsibilities. This reflects the review's recommendation to streamline governance, centralise integrity functions and improve accountability across both codes.⁶⁶

- 3.59 This is implemented through several amendments to the Act and the Regulations:
- Clause 4 seeks to amend section 4 to provide a definition of a racecourse licence being a licence to operate a premises as a racecourse issued under section 56.

⁶⁶ Hon Marie-Claire Boothby, Minister of Racing, Draft Daily Hansard – Day 5 – 18 March 2026, p. 16, <https://territorystories.nt.gov.au/10070/1030209>.

- Clause 24 seeks to insert sections 56A and 56B to provide the term of a racecourse licence and the process for renewing a racecourse licence. Consequently, clause 41 seeks to amend regulation 10 of the Regulations to enable the prescribed renewal fee to apply to proposed section 56B; and clause 42 seeks to amend regulation 13 of the Regulations to remove the annual fee for a racecourse licence (which is currently set at zero revenue units). Clause 43 also seeks to amend regulation 16 of the Regulations to provide a prescribed term for a racecourse licence.
- Clause 19 seeks to repeal and replace section 46 to provide the Minister the power to appoint the Director or an eligible body corporate as a race control body to exercise control over registered race clubs. It also seeks to insert section 46A to provide the Minister the power to determine the eligibility criteria for a body corporate to be appointed as a race control body, by Gazette notice.
- Clause 20 seeks to amend section 48 to enable a race control body to request the Director to investigate matters relating to the administration and operation of the Act, related to the racing industry.
- Clause 21 seeks to insert section 48A to enable the Minister to set a charter setting out the rights and responsibilities of race control bodies. This must be notified by Gazette notice.
- Clause 22 seeks to repeal and replace section 50 to enable the Director to direct a race control body and to create a strict liability offence for a race control body that fails to take all reasonable steps to comply with that direction, with a maximum penalty of 50 penalty units. Consequently, the schedule seeks to amend section 205 to remove an equivalent offence regarding a race control body's non-compliance with a direction from the Commission.
- Clause 23 seeks to amend section 52 to provide that fines payable to the Director if they are the race control body are payable to Territory consolidated revenue and otherwise to the race control body that governs the relevant racing.
- Clause 34 seeks to amend section 267 to enable the Director to prosecute an offence under the Act on request of a race control body.
- Clause 33 seeks to amend section 239 to provide that the Northern Territory Civil and Administrative Tribunal (NTCAT) has jurisdiction to review decisions made under proposed section 50, section 56, and proposed section 56B.

Racing control body directors

3.60 Sam Wilks opposed the proposed power of the Minister to set eligibility criteria for body corporates to be a race control body via Gazette notice, considering this granted the Minister too much discretionary power over race control bodies. Wilks argued that eligibility criteria should be set out in the Bill itself:

Too much of the real governance architecture is left to Gazette notices and ministerial discretion rather than hard statutory criteria. That invites doubts about consistency, independence, and whether appointments are made on merit or convenience... The Bill should contain minimum statutory criteria for eligibility

and governance competence rather than leaving the field largely to Gazette notice.⁶⁷

3.61 The Committee asked the Department the rationale for not setting out eligibility criteria on the face of the Bill, who advised that:

Gazettal allows eligibility criteria to be amended more efficiently than by legislative amendment, enabling timely updates where required.⁶⁸

3.62 Similarly, Nicolle Reynolds submitted that restrictions on race control body directors from owning wholly or an interest in a racing animal outside the NT was unnecessary as their powers are limited only to influencing racing in the NT. Reynolds argued that this restriction could prevent many otherwise appropriate directors from being eligible for a position as a director, limiting strong candidates from consideration:

The remit of Racing NT is clearly confined to the Northern Territory. Its regulatory, operational and integrity functions relate solely to racing conducted within that jurisdiction. Unlike the wagering environment, its influence does not extend nationally in a manner that would justify an Australia-wide restriction... The Racing NT prohibition on all animal ownership nationwide will exclude many of the most experienced and knowledgeable industry leaders from board consideration. I believe that it is counter-productive for Racing NT.⁶⁹

Charter

3.63 Sam Wilks opposed the proposed power of the Minister to make a charter setting out the rights and responsibilities of a race control body, again taking the position that the Bill grants the Minister too much power over race control bodies. Wilks recommended that charters should have consultation requirements and be tabled in the Legislative Assembly.⁷⁰

3.64 The Committee was advised by the Department that the charter was preferred to be made by Gazette notice rather than on the face of the Bill to allow flexibility and adjustments to be made following initial operation of the charter:

The idea of a charter is to ensure that the new race control body, Racing NT, operates to achieve the outcomes that were identified as a result of the review. Because of the possible need to adjust the charter as we move forward, it was recommended during the drafting process that the gazette notice be used as opposed to, say, a schedule in the regulations or embedding it in the Act itself. It provides a little bit of flexibility if we need to, after a period of operation, adjust the charter or make changes where necessary as a result of Racing NT running the industries.⁷¹

3.65 The Committee asked the Department where the charter is expected to be published, whether it will be tabled in the Legislative Assembly, and what consultation will be undertaken prior to the making of the charter. The Department advised that:

⁶⁷ Sam Wilks, Submission No. 1, p. 3.

⁶⁸ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁶⁹ Nicolle Reynolds, Submission No. 2, pp. 1-2.

⁷⁰ Sam Wilks, Submission No. 1, p. 3.

⁷¹ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

The Charter will be published on the race control body's website and on the Department's website...There is no legislative requirement to table the Charter... The Charter will be publicly available and open to feedback, supporting transparency in its development.⁷²

- 3.66 The Committee notes that the Explanatory Statement states that if the Minister exercises their power to make a charter 'the charter must be published in the Gazette', whereas the Bill provides that notice of the charter must be published in the Gazette.⁷³

Directions

- 3.67 Sam Wilks was opposed to the ability of the Director to direct race control bodies, concerned that this gave the Director too much control over the racing industry:

A broad direction power, combined with strict liability, can become a coercive device unless the purposes and limits of the direction are tightly defined. The recipient is then left to either comply or later argue reasonable excuse. That is a heavy compliance lever.⁷⁴

- 3.68 To safeguard against this, Wilks recommended that directions should be made only for statutory purposes, be proportionate, be supported by written reasons, and not be more restrictive than is reasonably necessary.⁷⁵ The Department advised that Ministerial power to direct the Director provides a safeguard:

The responsible minister has the power to also direct the Director to take an action. If [the Director] acted in a manner towards Racing NT that was not proper, then the minister would have the overarching authority to redirect her to change that action or take a particular action. That power exists at the moment; the minister has the power to direct the Racing Commission (*sic*) and the Director of Racing and Wagering in their duties.⁷⁶

- 3.69 The Committee also notes that the proposed strict liability offence for a race control body that does not take all reasonable steps to comply with a direction from the Director is much lesser than the existing equivalent provision regarding a race control body's non-compliance with a direction from the NTRWC in section 205 of the Act, down to a maximum penalty of 50 penalty units from 2500 penalty units.

Fines

- 3.70 Sam Wilks was opposed to the provisions proposing amendment to the recipient of fines imposed under the racing rules. Wilks argued that the provisions created an incentive for race control bodies to use their disciplinary powers to collect revenue:

An enforcement body should not have even the appearance of a direct financial interest or gain in the penalties it imposes. Even if no actual abuse occurs, the

⁷² Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁷³ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 6, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf

⁷⁴ Sam Wilks, Submission No. 1, p. 4.

⁷⁵ Sam Wilks, Submission No. 1, p. 4.

⁷⁶ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 4, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

structure itself invites suspicion. Enforcement should be about integrity, not revenue capture... Fine revenue should be paid into consolidated revenue or into an independently administered statutory fund, not to the race control body that imposed or benefits from the penalty framework.⁷⁷

Committee's Comments

- 3.71 The Committee notes that the Bill does not propose any direct eligibility requirements for race control body directors. Instead, the Bill proposes that the Minister should be able to set eligibility requirements for body corporates seeking to be a race control body, to be published by Gazette notice. This means that the specific eligibility requirements will be determined by the Minister following the passage of the Bill and are out of scope of the Committee's consideration. The Committee is satisfied that the eligibility criteria for a body corporate should be flexible and supports the determination of these criteria by Gazette notice.
- 3.72 The Committee notes that the Explanatory Statement erroneously states that the charter will be published by Gazette. The Committee understands that the intention of the Department is that notice of the charter and where it may be viewed must be published in the Gazette, rather than the charter itself. Accordingly, the Committee considers that the Explanatory Statement be amended to align with the drafting of the proposed power in the Bill.
- 3.73 The Committee notes that the proposed amendments to the fines primarily reflect changes in responsibility for racing from the NTRWC to the Director. Further, they do not provide for the Director to collect revenue from any fines imposed when they are the race control body. These fines will be payable to Territory consolidated revenue. Accordingly, the Committee is satisfied with the provisions as drafted and recommends no amendment.

Recommendation 8

The Committee recommends that the Explanatory Statement be amended to clarify that notice of the charter of rights and responsibilities of race control bodies must be published in the Gazette, rather than the charter itself.

Complaints, investigations, and disciplinary action

- 3.74 The Bill seeks to reform the complaints, investigation and disciplinary process in the Act, including revising these processes to reflect the change in racing responsibilities from the NTRWC to the Director. As described by the Explanatory Statement, primarily these amendments:

recognise the removal of the racing related responsibilities from the Commission. It separates the racing related matters from the wagering ones, and attributes similar grounds for taking action by either the Director or Commission.⁷⁸

- 3.75 This is implemented through several amendments to the Act and the Regulations:

⁷⁷ Sam Wilks, Submission No. 1, p. 4.

⁷⁸ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 8, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf

- Clause 26 seeks to amend section 221 to provide that a complaint in relation to a racecourse licence must be lodged with the Director, and that a complaint must be lodged within 60 days of a person becoming aware of the matter giving rise to the complaint, or, if allowed by the Commission or Director, up to 2 years after the matter occurred.
- Clause 18 seeks to amend section 44 to prohibit the Commission and Director from extending or abridging time limits for the lodging of complaints.
- Clause 27 seeks to amend section 222 to enable the Director to investigate complaints lodged with them regarding a racecourse licence. Consequently, clause 29 seeks to amend section 223 to specify that section 223 relates to complaints lodged with the Commission, and not complaints regarding racecourse licences lodged with the Director.
- Clause 28 seeks to insert section 222A to specify the actions the Director may take following an investigation into a complaint regarding a racecourse licence, including no action, issuance of a direction to a race club, or disciplinary action. A decision notice of the decision or action must be given to the parties to the complaint.
- Clause 30 seeks to repeal and replace section 225 to provide that the Director may investigate a race club or race control body and specifies the actions the Director may take after completing an investigation. It also seeks to insert section 225A specifying that the Director may investigate a licensee on behalf of the Commission, upon completion of which the Director must prepare a report for the Commission. This replicates provisions in existing section 225.
- Clause 31 seeks to amend section 227 to split joint grounds for disciplinary action against a licensee or race club into separate grounds against a licensee and grounds against a race club. The grounds against a licensee replicate the existing provisions in the Act, but fewer grounds against a race club are provided for in the proposed section 227 than in the Act.
- Clause 32 seeks to amend section 228 to split the provided disciplinary actions that may be taken against a race club or licensee into separate actions that may be taken against a licensee and against a race club. The actions that may be taken against a licensee replicate the existing provisions in the Act, but fewer actions may be taken against a race club in the proposed section 228 than in the Act.
- Clause 45 seeks to amend regulation 20 of the Regulations to provide that a licensee must report to the Commission if an investigation of the licensee by a professional, statutory or regulatory authority in Australia is concluded.

Lodging complaints

3.76 AGR opposed the internal resolution of some complaints. They recommended that there should be a prohibition placed on serious complaints being settled informally, as this prevents formal findings against operators being made.⁷⁹

3.77 Sam Wilks opposed the proposed extension of the time period that a person has to report a matter that is cause for a complaint from 14 days to 60 days, on the basis that this may allow operators to deliberately delay resolution of complaints.⁸⁰ The Committee notes that the Explanatory Statement explains that:

The reason for the increase is that it has been found the current 14 days does not give the wagering operator sufficient time to consider a customer's complaint and take action to resolve it. This leads to complaints being lodged with the Commission which are, while the investigation is conducted, being resolved between the licensee and customer. This change will hopefully lead to a reduction in the number of complaints being lodged with the Commission as it increases the time the licensee and the complainant have to resolve the matter.⁸¹

3.78 GHLEE opposed the retention of the 2-year time limit on the Commission and Director's discretion to accept late complaints. They argued that the nature of wagering related harm can lead to significant delays in reporting of complaints:

GHLEE submits that this limitation is fundamentally unjust. Gambling harm is often accompanied by isolation, stigma, and delayed recognition of harm. It can take considerable time for individuals to come to terms with their situation and pursue a complaint....This provision:

- fails to recognise the trauma, shame, and delayed reporting behaviours associated with gambling harm
- is inconsistent with best practice across jurisdictions (including Victoria, where no such limit applies)
- risks shielding licensees from accountability⁸²

3.79 The Department advised that time limits for lodging complaints varied between jurisdictions:

it was always the intention under the original drafting of the Act that there was a maximum two years to lodge a complaint. That was based upon experiences of the commission at the time under the old Act and the types of disputes that they got and the reasons behind the length of delays.

It varies between jurisdictions. When we went out originally for consultation on the drafting of the Act, it varied between a six-month limit and a three-year limit. We erred on the side of two years.⁸³

⁷⁹ Alliance for Gambling Reform, Submission No. 6, p. 5.

⁸⁰ Sam Wilks, Submission No. 1, pp. 5-6.

⁸¹ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 7, https://parliament.nt.gov.au/data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

⁸² Gambling Harm Lived Experience Experts, Submission No. 5, p. 3.

⁸³ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 6, https://parliament.nt.gov.au/data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

3.80 In response to a question taken on notice at the public briefing, the Department advised the Committee that the 2-year time limit resulted in 4 complaints not being accepted by the Commission in 2023-24:

The 2-year timeframe was introduced to provide certainty to parties. In 2023-24 there were 4 complaints lodged outside the 2 year period that were not accepted by the Commission.⁸⁴

3.81 The Committee asked the Department for an explanation of the rationale of the 60-day time limit. They advised that:

The previous timeframe was found to be insufficient to allow matters to be resolved at the licensee level.

Extending the timeframe supports resolution before escalation and reduces the need for formal disputes.⁸⁵

3.82 The Committee further queried whether any consideration had been given to removing the 2-year time limit on discretion to accept late submissions. The Department told the Committee that:

The two-year period started when the legislation was enacted on 1 July 2024. The timeframe provides certainty and supports timely resolution of complaints.

This will be reviewed as part of the mandated three-year evaluation of the Act.⁸⁶

3.83 AGR submitted that, to increase public trust in the regulatory regime, there should be greater public transparency regarding complaints, including the number received and the outcomes of the complaints:

The Act should require mandatory public reporting, at a minimum, on:

- the number of complaints received, accepted, rejected and closed;
- average time to investigation and resolution;
- how many complaints are resolved through informal remediation;
- the enforcement outcome for each complaint category;
- enforcement action taken by licensee (with narrow, justified redaction).⁸⁷

3.84 AGR also submitted that the Bill should introduce complaint handling standards, including:

- acknowledgement timeframes;
- investigation obligations once a complaint is accepted;
- reasons based closure requirements;
- communication obligations to complainants.⁸⁸

⁸⁴ Department of Tourism and Hospitality, Question Taken on Notice, 30 March 2026, p. 1, https://parliament.nt.gov.au/data/assets/pdf_file/0006/1604688/Department-of-Tourism-and-Hospitality-Answer-to-Question-Taken-on-Notice-Public-Briefing-24-March-2026.pdf.

⁸⁵ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁸⁶ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 3, https://parliament.nt.gov.au/data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁸⁷ Alliance for Gambling Reform, Submission No. 6, p. 4.

⁸⁸ Alliance for Gambling Reform, Submission No. 6, p. 4.

3.85 The Committee asked the Department what the standard procedures are when the Director or Commission receive a complaint, who advised that:

The Director assesses complaints and may accept them for investigation, in which case the Director investigates and prepares a report.

The Commission then considers the report and determines the appropriate outcome in accordance with Part 8, Divisions 1 to 3 of the Act.⁸⁹

Investigation and disciplinary action

3.86 GHLEE and AGR submitted extensively on complaint investigation and disciplinary action for breaches by wagering operators. Additionally, Sam Wilks opposed the concentration of administrative, investigatory and disciplinary power in the Director, recommending that complaint investigation should be separate from final disciplinary decision-making.⁹⁰

3.87 Both GHLEE and AGR submitted that the fiscal penalties for breaches under the Act are too low and can be absorbed by wagering operators as a 'cost of doing business'.⁹¹ For example, GHLEE submitted that:

GHLEE considers the current penalty framework insufficient to deter serious misconduct. Financial penalties:

- are ultimately funded by customer losses
- are often absorbed as a cost of doing business
- lack meaningful deterrent effect
- do not impose personal accountability on senior executives⁹²

3.88 Accordingly, AGR argued that there should be minimal penalties for certain breaches, penalties should be indexed to equivalent penalties in other jurisdictions, and penalties should scale with the size of the operator.⁹³ GHLEE also recommended that reputational penalties be included in the Bill, such as public apologies for offences.⁹⁴ The Committee asked the Department whether consideration had been given to aligning monetary and non-monetary penalties with other jurisdictions, who advised that:

Penalty settings were assessed as appropriate for the Northern Territory context, noting its role as a leading jurisdiction for online wagering.⁹⁵

3.89 GHLEE and AGR also commented on the operation of these processes in practice, arguing that the Commission was not effectively using its disciplinary powers to regulate the wagering industry.⁹⁶ In particular, GHLEE sought for the Commission to more frequently exercise its powers under section 227 and 228 of the Act to impose

⁸⁹ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 3, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

⁹⁰ Sam Wilks, Submission No. 1, p. 3-4.

⁹¹ Gambling Harm Lived Experience Experts, Submission No. 5, p. 5; Alliance for Gambling Reform, Submission No. 6, p. 6.

⁹² Gambling Harm Lived Experience Experts, Submission No. 5, p. 5.

⁹³ Alliance for Gambling Reform, Submission No. 6, p. 6.

⁹⁴ Gambling Harm Lived Experience Experts, Submission No. 5, p. 5.

⁹⁵ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 4.

⁹⁶ Gambling Harm Lived Experience Experts, Submission No. 5, p. 4; Alliance for Gambling Reform, Submission No. 6, p. 3.

licence-based penalties on wagering operators where there is grounds for disciplinary action.⁹⁷

- 3.90 Accordingly, AGR submitted that when appropriate disciplinary action is determined, consideration should be required to be given to past breaches and historical patterns of complaints. Without a mandatory system of escalation upon repeated breaches, they argued that opportunities for discretion enables ‘regulatory paralysis’. Instead, they recommended that:

The regulatory framework must:

- require enforcement decisionmakers to explicitly consider:
 - o prior breaches;
 - o historical complaint patterns;
 - o relevant findings in other jurisdictions;
- mandate formal licence review processes after defined compliance thresholds are reached;
- require published reasons where suspension or cancellation is not pursued following repeated serious breaches.⁹⁸

- 3.91 The Committee asked the Department whether there any requirements for the Director or Commission to consider prior breaches or repeated evidence of non-compliance with obligations under the Act when they consider appropriate disciplinary action. The Department told the Committee that these were considered:

Yes. Confirmed breaches and disciplinary actions are recorded and taken into account in future compliance decisions.⁹⁹

- 3.92 GHLEE submitted that the Bill does not enable the Director or Commission to investigate ‘situations where licensees provide false, misleading, or deceptive statements regarding regulatory compliance.’ They provided the following example:

Following the ABC *Four Corners* program (“*Losing Streak*”, October 2025), Sportsbet publicly asserted that it adhered to its regulatory obligations, including [Anti-Money Laundering]/[Counter-Terrorism Financing] laws. GHLEE submits that this statement is inconsistent with known regulatory findings by the NTRWC, [Australian Communications and Media Authority] and [Australian Transaction Reports and Analysis Centre].

- 3.93 Accordingly, GHLEE recommended that the Director and Commission be empowered to investigate misleading claims by licensees and impose penalties where they are found to have provided false, misleading or deceptive statements regarding regulatory compliance.¹⁰⁰

- 3.94 Finally, AGR submitted that the Bill should contain an obligation on wagering operators to return funds that are found to have been obtained in breach of the Act.¹⁰¹ The Committee asked the Department whether a licensee found to have obtained

⁹⁷ Gambling Harm Lived Experience Experts, Submission No. 5, p. 5.

⁹⁸ Alliance for Gambling Reform, Submission No. 6, p. 6.

⁹⁹ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 4.

¹⁰⁰ Gambling Harm Lived Experience Experts, Submission No. 5, p. 6.

¹⁰¹ Alliance for Gambling Reform, Submission No. 6, p. 7.

funds in breach of the Act is required to return these funds to the consumer, who advised that voided wagers must be refunded:

Under Section 224(2)(c) the Commission has the power to declare a wager void where it is in contravention of the *Racing and Wagering Act 2024*.

Where a wager is declared void, a licensee must refund the amount.¹⁰²

Review of decisions

3.95 AGR submitted that there should be an independent oversight mechanism for reviewing the complaint handling by the Director and Commission.¹⁰³ The Committee notes that the Bill seeks to provide that the NTCAT have jurisdiction to review:

- directions made by the Commission following their receipt of a report into a complaint, possible offence, or possible grounds for disciplinary action from the Director under section 224 or 226 of the Act
- decisions or actions made by the Commission following their receipt of a report from the Director into a complaint under section 224 of the Act, if the wager value or payout is more than the value prescribed by regulation
- any disciplinary action taken by the Commission under section 228 of the Act.

3.96 In addition, the Explanatory Statement states that decisions made under section 222A are to be reviewable by the NTCAT.¹⁰⁴ However, the Committee notes that proposed amendments to section 239 of the Bill do not provide the NTCAT jurisdiction to review decisions made in section 222A.

3.97 The Committee enquired about this at the public briefing. The Department advised that:

Under the NTCAT legislation, there is a reference to the *Racing and Wagering Act* that allows certain decisions identified in the *Racing and Wagering Act* to be reviewed by the tribunal. That will fall under that particular reference.¹⁰⁵

3.98 Following further questioning by the Committee regarding the legislative authority for the review of decisions made under proposed section 222A, the Department advised that:

The *Racing and Wagering Act 2024* is listed in Part 3 of the Schedule to the Northern Territory Civil and Administrative Tribunal Regulations 2014 as an Act under which reviewable decisions may be made.¹⁰⁶

¹⁰² Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 4, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

¹⁰³ Alliance for Gambling Reform, Submission No. 6, p. 5.

¹⁰⁴ Explanatory Statement, *Racing and Wagering Amendment Bill 2026 (Serial 59)*, p. 7, https://parliament.nt.gov.au/_data/assets/pdf_file/0003/1600554/Explanatory-Statement-Racing-and-Wagering-Amendment-Bill-2026-Serial-59.pdf.

¹⁰⁵ Department of Tourism and Hospitality, Committee Transcript, 24 March 2026, p. 5, https://parliament.nt.gov.au/_data/assets/pdf_file/0005/1604417/Corrected-Transcript-Public-Briefing-Serial-59-24-March-2026.pdf.

¹⁰⁶ Department of Tourism and Hospitality, Response to Legislative Scrutiny Questions – Serial 59, 14 April 2026, p. 4, https://parliament.nt.gov.au/_data/assets/pdf_file/0004/1607512/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Racing-and-Wagering-Bill-Serial-59-14-April-2026.pdf.

3.99 However, the Committee notes that Part 3 of the Schedule to the Northern Territory Civil and Administrative Tribunal Regulations 2014 set out the fees payable upon application to review a decision under the Act.¹⁰⁷ It does not set out reviewable decisions. Additionally, section 33(1) of the *Northern Territory Civil and Administrative Tribunal Act 2014* specifically states that an Act must give NTCAT jurisdiction to review a decision:

(1) If the matter that a relevant Act gives the Tribunal jurisdiction to deal with involves a review of a decision, the matter comes within the Tribunal's review jurisdiction.¹⁰⁸

Committee's Comments

3.100 The Committee is broadly satisfied that the complaints, investigations and disciplinary provisions provide an appropriate balance of regulatory strength and operational efficiency. In particular, the Committee notes that repeated breaches of the Act are considered when determining appropriate disciplinary action and that licensees must return a wager to the wagerer if the Commission declares a wager void.

3.101 Additionally, the Committee notes that the proposed extension to the timeframe that a person *may* lodge a complaint to 60 days does not prevent a complainant from lodging a complaint with the Commission earlier, if they believe the operator is deliberately delaying internal/informal resolution of the dispute. Instead, it provides additional flexibility for parties if internal resolution is preferred but expected to take more than 14 days. Indeed, the Committee considers that the 60-day period to lodge a complaint is not long enough. Accordingly, the Committee recommends that the Bill be amended to extend the 60-day period a complainant must lodge a complaint with the Commission or Director to 2 years after the person became aware of the matter giving rise to the complaint. Further, the Committee believes there is convincing evidence that the 2-year maximum period in which the Commission and Director have discretion to accept a late complaint should be removed, to allow the Commission and Director the discretion to accept late complaints at any time.

3.102 The Committee also considers that it would be appropriate to review the penalties in the Act to ensure that they are aligned with other jurisdictions. The Committee believes that the appropriate mechanism for this consideration is the policy review required under section 304 of the Act.

3.103 Finally, it is the Committee's view that the Bill does not provide the NTCAT jurisdiction to review a decision made under proposed section 222A. As the Explanatory Statement specifies it is intended for decisions under these sections to be reviewable, the Committee recommends that clause 33 of the Bill is amended to provide the NTCAT jurisdiction to review decisions under proposed section 222A.

¹⁰⁷ Northern Territory Civil and Administrative Tribunal Regulations 2014, Part 3 of the Schedule.

¹⁰⁸ *Northern Territory Civil and Administrative Tribunal Act 2014*, s 33.

Recommendation 9

The Committee recommends that clause 26 of the Bill be amended to:

- extend the timeframe in which complaints must be lodged with the Director of Racing and Wagering and the Northern Territory Wagering Commission from 60 days to two years, in section 221(3)(a); and
- provide the Director of Racing and Wagering and the Northern Territory Wagering Commission discretion to accept late complaints past this timeframe, in section 221(3)(b).

Recommendation 10

The Committee recommends that, in the policy review required under section 304 of the *Racing and Wagering Act 2024*, consideration is given to aligning penalties in the *Racing and Wagering Act 2024* to comparable penalties in other jurisdictions.

Recommendation 11

The Committee recommends that clause 33 of the Bill be amended to provide the Northern Territory Civil and Administrative Tribunal jurisdiction to review decisions made under proposed section 222A.

Appendix 1: Submissions Received

Submissions Received

1. Sam Wilks
2. Nicolle Reynolds
3. Sportsbet
4. Australian Christian Lobby
5. Gambling Harm Lived Experience Experts
6. Alliance for Gambling Reform

Note: Copies of submissions are available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/59-2026>

Appendix 2: Public Briefing

Public Briefing – Darwin, 24 March 2026

Department of Tourism and Hospitality

- Melissa Garde: Executive Director, Liquor, Racing and Gaming
- Shaun Cox: Senior Policy Officer, Licensing NT

Note: Copies of the public briefing transcript and answers to questions taken on notice are available at: <https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/59-2026>

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Dissenting Report – Justine Davis MLA

Justine Davis MLA *Independent Member for Johnston*

Alawa - Jingili - Millner - Moil

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29/04/26

Dear Chair and Members of the Legislative Scrutiny Committee,

Re: Racing and Wagering Amendment Bill 2026 (Serial 59)

I acknowledge the work of the Legislative Scrutiny Committee and the Committee Secretariat for their diligent work in examining this Bill and preparing a report for Parliament.

I also acknowledge those who provided submissions to the inquiry. The Committee received submissions from a range of experts and advocates, including the Alliance for Gambling Reform (AGR), Gambling Harm Lived Experience Experts (GHLEE), and members of the public, who raised substantive, evidence-based concerns about specific provisions of the Bill.

I broadly support the structural separation of racing administration from wagering regulation, as it is a necessary step to enhance independence and accountability. I acknowledge and strongly support the substantive amendments the Committee has recommended. In particular, the recommendations to explicitly provide both the Northern Territory Wagering Commission and the Director of Racing and Wagering with consumer protection and harm minimisation functions are critical improvements. I also welcome the Committee's targeted amendments to enhance accountability and fairness, specifically the recommendation to prohibit Commission members from wagering on NT races, the requirement for delegations of power to be in writing, and the amendment ensuring NTCAT has jurisdiction to review decisions made under proposed section 222A. Furthermore, I strongly support the Committee's recommendation to amend the complaints process by extending the timeframe to two years and granting the discretion to accept late complaints, which directly responds to the compelling evidence provided by lived-experience advocates.

However, I do not support the Bill passing without further amendment. While the Bill makes administrative improvements, it comprehensively fails to implement meaningful consumer protections and punts critical integrity and harm minimisation reforms to a future policy review. Having considered the evidence before the Committee and the final recommendations, I am deeply concerned by the missed opportunities to genuinely tackle the harm caused to our community by unsafe gambling. My reasons are set out below.



www.justinedavis.com.au
@justine4johnston



08 8999 6620
electorate.johnston@nt.gov.au



Millner Village Plaza, Cnr of Fitzgerald St
and Bagot Rd, Millner NT 0810

Justine Davis MLA

Independent Member for Johnston

Alawa - Jingili - Millner - Moil

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1. Failure to Implement a Comprehensive Prohibition on Wagering for Commission Members

The Bill introduces conflict of interest safeguards that prohibit Commission members from holding a wagering account with a Northern Territory licensed operator. While the Committee has recommended a targeted amendment to ban members from wagering on NT races, this still leaves glaring loopholes. It does not prevent members from holding accounts with operators licensed in other jurisdictions, nor does it prohibit them from placing in-person wagers with NT on-course bookmakers or betting exchanges on interstate races or sporting events.

The Explanatory Statement correctly identifies that the "intrinsic link between racing and wagering" justifies prohibiting Commission members from owning racing animals anywhere in Australia to protect public trust. It defies logic that this same intrinsic link and risk of perceived bias does not justify a total prohibition on Commission members holding wagering accounts in any jurisdiction.

The Committee acknowledged this perception of conflict but opted to defer the issue, recommending in Recommendation 6 that a complete prohibition simply be "considered" during the 2027 policy review. I do not accept this delay. If we are genuinely attempting to restore public confidence and guard against regulatory capture following severe national scrutiny, the Bill must be amended now to enact a complete legislative prohibition on Commission members wagering with any operator licensed in any Australian State or Territory.

2. Deferral of Penalty Alignment for Wagering Operators

Submitters, including GHLEE and AGR, provided compelling evidence that the current penalty framework in the NT is grossly insufficient to deter serious misconduct. Financial penalties are currently so low that they are frequently absorbed by massive online wagering operators as a mere "cost of doing business". Best practice in modern gambling regulation



www.justinedavis.com.au
@justine4johnston



08 8999 6620
electorate.johnston@nt.gov.au



Millner Village Plaza, Cnr of Fitzgerald St
and Bagot Rd, Millner NT 0810

Justine Davis MLA

Independent Member for Johnston

Alawa - Jingili - Millner - Moil

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requires penalties to scale with the size of the operator, often reaching up to 10% of a licensee's annual turnover or revenue.

Despite this evidence, the Committee's Recommendation 12 merely suggests that aligning penalties with comparable jurisdictions should be considered in the 2027 policy review.

A regulatory framework cannot be effective if its penalties lack a meaningful deterrent effect. Continuing to allow operators to absorb minor fines while profiting from non-compliance is unacceptable. We should not wait until 2027 to implement a penalty regime that holds operators genuinely accountable; the Bill should be amended to immediately index penalties to match the strongest equivalent penalties in other Australian jurisdictions.

3. Inadequate Conflict of Interest and Failure to Prohibit Gifts

While the Bill introduces new disclosure requirements under proposed section 19C, it leaves structural and relational conflicts entirely unaddressed. Submitters rightly pointed out that the Bill fails to mandate a public register of interests—including prior industry employment, advisory roles, or close family connections to the industry.

Furthermore, the Bill fails to include a legislative prohibition on the receipt of gifts and hospitality. While there have been assurances and media reports indicating that the Commission has stopped accepting such hospitality, leaving this issue to self-regulation is entirely inadequate. During the public briefing, the Department advised that the Commission is simply developing its own internal "gifts and benefits policy" and code of conduct. Expecting a regulator that has faced severe national scrutiny to self-police its receipt of industry gifts fails to meet the standards of modern governance. Public trust requires a strict, enforceable legislative prohibition embedded directly in the Act. It does not make sense to mandate a gifts register; the receipt of industry gifts and hospitality should simply be banned outright.

Additionally, proposed section 19C(4) explicitly states that a failure of a member to comply with disclosure requirements "does not affect the validity of a decision of the Commission". This significantly weakens the integrity of the Commission by removing the practical incentive for strict compliance.



www.justinedavis.com.au
[@justine4johnston](https://twitter.com/justine4johnston)



08 8999 6620
electorate.johnston@nt.gov.au



Millner Village Plaza, Cnr of Fitzgerald St
and Bagot Rd, Millner NT 0810

Justine Davis MLA

Independent Member for Johnston

Alawa - Jingili - Millner - Moil

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To build a truly robust integrity regime, the Bill should be amended to mandate a comprehensive conflict of interest register that is strictly maintained and overseen by the independent Ethics and Integrity Commissioner, alongside an absolute legislative prohibition on Commissioners receiving any gifts or hospitality from the industry.

4. A Missed Opportunity to Genuinely Tackle Gambling Harm

This is my most serious concern with the Bill. The fundamental object of a modern wagering regulator must be to prevent and minimise gambling harm, yet this Bill prioritises administrative convenience and industry certainty over consumer protection.

We have missed a critical opportunity to enact deep, meaningful reform. As proposed by advocates and experts like Lauren Levin from Financial Counselling Australia, the Bill should introduce a Statutory Consumer Duty (similar to the Swedish model) requiring licensees to continuously monitor customer behaviour for indicators of harm, intervene when red flags are detected, and prioritise customer welfare over profit.

Furthermore, the Bill fails to implement basic, widely supported protections such as strict legislative prohibitions on inducements (like VIP schemes, sign-up bonuses, and free bets), the banning of trailing commissions for third-party affiliates, and the imposition of deposit limits for young adults. Without mandatory enforcement mechanisms, harm-based triggers, and a statutory duty of care owed to consumers, this Bill is a structural reshuffle that leaves vulnerable Territorians—and Australians—at risk.

Conclusion

This Bill was introduced following significant national scrutiny that exposed a regulator structurally unsuited to the role it performs. While the governance separation is welcome, passing "most" of a good law is not the standard we should accept when experts and advocates with lived experience have provided us with a clear roadmap to better protect the public.

Community safety and consumer protection are about more than just administrative reshuffling. If we pass a law that fails to impose a statutory duty of care, delays the alignment



www.justinedavis.com.au
[@justine4johnston](https://twitter.com/justine4johnston)



08 8999 6620
electorate.johnston@nt.gov.au



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Justine Davis MLA

Independent Member for Johnston

Alawa - Jingili - Millner - Moil

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of penalties, and allows conflicted Commissioners to continue wagering, we are not making our community safer. The work of carefully testing and refining legislation to prevent harm must occur before it is passed, not deferred to a future policy review.

The amendments I have outlined are targeted, proportionate, and directly address the evidence presented to the Committee. I urge the Assembly to adopt them.

Justine Davis

Independent Member for Johnston



www.justinedavis.com.au
[@justine4johnston](https://twitter.com/justine4johnston)



08 8999 6620
electorate.johnston@nt.gov.au



Millner Village Plaza, Cnr of Fitzgerald St
and Bagot Rd, Millner NT 0810